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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,833	03/14/2002	Thomas Mayberry	EMPIR-035AUS	4441
22468	7590	10/19/2005	EXAMINER	
CHAPIN & HUANG L.L.C. WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,833

Applicant(s)

MAYBERRY, THOMAS

Examiner

Asghar Bilgrami

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Specification

1. Claim 1 is objected to because of the following informalities: The word "Prior" on line 6 should be underlined to signify as being added. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porras et al (U.S. 6,704,874).
4. As per claims 1, 7, 13 & 14 Porras disclosed a method of directing message streams during operation of a test tool, the method comprising: assigning at least one of a plurality of data types to at least one of a plurality of data streams prior to operation of the test tool; assigning said at least one of a plurality of data streams to at least one of a plurality of devices prior to operation of the test tool (col.3, lines 42-67, col.4, lines 1-10 & col.7, lines 9-18). ; running said test tool; and delivering resulting messages including at least one of the data types in accordance with said assigning at least one of a plurality of data types to at least one of the plurality of data streams and in accordance with said assigning said at least one of the plurality of

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data streams to atleast one of the plurality of devices. (col.3, lines 42-67 & col.4, lines 1-10).

Porras does not specifically use the term in the context of “assigning data types/data streams prior to the operation of the test tool”. However Porras describes that the user can adjust and customize the alert priority map values and the priority profiles (col.7, lines 9-18). Therefore it would have obvious to one in the ordinary skill in the art to incorporate customizing the data stream criteria prior to the operation of the management tool.

5. As per claims 2 & 8 Porras disclosed the method of claim 1 wherein said plurality of data types are selected from error data, warning data, failure data, report data, and time data (col.3, lines 42-67, col.5, lines 18-27 & col.6, lines 45-57).

6. As per claims 3 & 9 Porras disclosed the method of claim 1 wherein said plurality of data streams are selected from an error stream, a warning stream, a failure stream, a report stream and a time stream devices (col.3, lines 42-67 & col.4, lines 1-10)..

7. As per claims 4 & 10 Porras disclosed the method of claim 1 wherein said plurality of devices are selected from a message window, a status window, a report window, a message box, and a file (col.1, lines 65-67, col.2, lines 1-7 & col.2, lines 52-65).

8. As per claims 5 & 11 Porras disclosed the method of claim 1 wherein said assigning at least one of a plurality data types is done though a software interface presented to a user (col.1, lines 65-67, col.2, lines 1-7 & col.2, lines 52-65).

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9. As per claims 6 & 12 Porras disclosed the method of claim 1 wherein said assigning at least one of a plurality data streams is done through a software interface presented to a user (col.1, lines 65-67, col.2, lines 1-7 & col.2, lines 52-65).

Response to Arguments

10. Applicant's arguments filed 07/28/2005 have been fully considered but they are not persuasive.

11. The applicant argued "Porras is not used during operation of a test tool, as Porras provides real time alerts during normal operation. Since Porras is not used during operation of a test tool, data types cannot be assigned prior to operation of the test tool".

12. As to applicant's arguments, please see Examiners rejection line 4.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB



DAVID WILEY
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